



Ask the I&R Specialist February 2006

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I'm having a hard time affording my car insurance. I'm on Medicaid, and I've heard that there's some sort of low-cost insurance available to me. Do you know anything about that?

You're referring to New Jersey's "Dollar-A-Day Auto Insurance", a program which helps make car insurance affordable to drivers who might go uninsured because of limited financial resources. It is available specifically to New Jersey residents who are enrolled in Medicaid with hospitalization, and the cost is \$365 per year, payable in one or two installments. To apply, call 800-652-2471.

I have a mobility impairment and use crutches, and I am unable to climb stairs. I recently went to a restaurant with some friends and the entrance had no ramp, forcing us to go elsewhere for dinner. When we complained to the manager about this problem, he said that because theirs was an older building, they were "grandfathered in" and were not subject to the accessibility requirements of Americans with Disabilities Act. Is this true?

This is a common response from businesses to a common complaint. Let me clarify a couple of things. No building is "grandfathered in" and exempt from Americans with Disability Act (ADA) requirements because of its age. There are, however, *other* reasons why a place of public accommodation might not be required to make the modifications necessary to provide access to patrons with disabilities.

Both the ADA and the New Jersey Barrier-Free Subcode stipulate that a building which was constructed prior to the passage of the ADA must be modified *unless* the business can demonstrate that the necessary modifications would result in an exceptional financial

burden or that making these modifications would structurally destabilize the building or could not possibly be constructed to code within the available space. Exceptions are also legally allowed for buildings which have been designated as historical landmarks, thus protecting them from alteration.

Unfortunately, some business owners use minimal knowledge of the law to assume that their older buildings need not be modified because their construction predates the ADA. If you encounter a business which is not accessible, I would encourage you to make a complaint to the Office of Regulatory Affairs. This Office, under the New Jersey Division of Codes and Standards, is responsible for enforcement of the Barrier-Free Subcode, and they can be reached at (609) 984-7672. They have the authority to investigate and to make an official determination as to whether the property manager should be required to make modifications to make the building accessible.